

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

DESMOND GREER,)	
)	
Petitioner,)	
)	
v.)	No. 4:24-cv-01233-SPM
)	
KELLY MORRISS,)	
)	
Respondent.)	

OPINION, MEMORANDUM AND ORDER

This matter is before the Court upon review of the file. Petitioner Desmond Greer commenced this 28 U.S.C. § 2254 habeas action on September 11, 2024. ECF No. 1. On September 24, 2024, the Court directed Petitioner to file a signed amended petition, on a Court-provided form, within thirty (30) days. ECF No. 5. The Court cautioned Petitioner that his failure to timely comply with the Order would result in the dismissal of the case without further notice. *Id.* at 1. Petitioner's response was due by October 24, 2024.

To date, Petitioner has neither responded to the Court's Order, nor sought additional time to do so. Petitioner was given meaningful notice of what was expected, he was cautioned that his case would be dismissed if he failed to timely comply, and he was given ample time to comply. The Court will therefore dismiss this action, without prejudice, due to Petitioner's failure to comply with the Court's September 24, 2024, Order and his failure to prosecute his case. *See* Fed. R. Civ. P. 41(b). *See also Link v. Wabash R.R. Co.*, 370 U.S. 626, 630-31 (1962) (the authority of a court to dismiss *sua sponte* for lack of prosecution is inherent power governed "by the control necessarily vested in courts to manage their own affairs so as to achieve the orderly and expeditious disposition of cases"); *Brown v. Frey*, 806 F.2d 801, 803 (8th Cir. 1986) (a district court has the

power to dismiss an action for the plaintiff's failure to comply with any court order); Rule 12 of the Rules Governing § 2254 Cases in the United States District Courts (stating that the "Federal Rules of Civil Procedure, to the extent that they are not inconsistent with any statutory provisions or these rules, may be applied to a proceeding under these rules").

Accordingly,

IT IS HEREBY ORDERED that this case is **DISMISSED** without prejudice for failure to comply with the Court's Order of September 24, 2024. *See* Fed. R. Civ. P. 41(b). A separate order of dismissal will be entered herewith.

IT IS FURTHER ORDERED that Petitioner's motion for leave to proceed *in forma pauperis* [ECF No. 2] is **DENIED as moot**.

Dated this 12th day of November, 2024.

A handwritten signature in black ink, reading "Henry Edward Autrey", is positioned above a horizontal line. The signature is fluid and cursive.

HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE